

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

PEDRO LUIS COLÓN MARTÍNEZ

Debtor

CASE NO. 19-04438 ESL

CHAPTER 13

SUPPLEMENTAL TO MOTION REQUESTING DISMISSAL OF CASE
WITH BAR DATE TO REFILE
(Related Docket Entry No. 15)

TO THE HONORABLE COURT:

COMES NOW, creditor **Mary Carmen Rivera Rodríguez** through the undersigned counsel whom respectfully STATES and PRAYS as follows:

1. Creditor Mary Carmen Rivera Rodríguez filed a *Motion Requesting Dismissal of Case with Bar Date to Refile* on September 4th, 2019. See docket entry no. 15.

2. The creditor informs this Honorable Court that creditor Pedro Luis Colón Martínez has not complied with his domestic support obligation payments.

3. As of September 16th, 2019 the debtor had not made the post-petition domestic support obligation payment in the amount of \$3,290.00 due in or before the 5th day of the month¹.

4. The debtor has also failed to comply with the requirements of FRBP 1007(b)(c) by not filing Schedules I and J.² Moreover, the debtor has not filed a Chapter 13 Plan nor has complied with his domestic support obligation payments. From a superficial review of debtor's disclosed assets it can easily be

¹ See evidence attached to this motion.

² Failure to file all the bankruptcy petition schedules is not taken lightly in our jurisdiction:

The deadline to file the requisite schedules and statements is governed by Rule 1007, not section 521. The aforementioned automatic dismissal is a result of congressional intent to prevent bankruptcy abuse. Section 521(i)'s forty-five (45) daytime-frame in no way replaces the deadlines established by the Federal Rules of Bankruptcy Procedure. Ruling to the contrary would undoubtedly go against Congress's intent when it passed BAPCPA as a remedial scheme to prevent bankruptcy abuse.

"As aptly stated by one court, in the absence of an extension, '[a]fter the expiration of the specified period set forth in [section] 521(i)(1), there are no exceptions, no excuses, only dismissal and the consequences that flow therefrom.' "In re Soto, 491 B.R. at 315 (quoting In re Ott, 343 B.R. 264, 268 (Bankr.D.Colo.2006)) (emphasis added). In the absence of a request to extend the forty-five (45) day deadline, the bankruptcy court could have dismissed the case at any time after September 1, 2014. In re Fuentes-Padilla, 534 B.R. 77 (D. P.R., 2015)

concluded that, even if sold in an ideal market, the proceeds are insufficient to pay all of the debtor's priority debts.

5. On September 11th, 2019 the debtor requested an extension of time to file the schedules of the voluntary petition (docket entry no. 19), this Honorable Court denied the debtor's request alleging that the debtor failed to plead good cause other than stating that the case was filed under emergency circumstances. See docket entry no. 20.

WHEREFORE, the creditor Mary Carmen Rivera Rodríguez, requests from this Honorable Court to consider the *Motion Requesting Dismissal of Case with Bar Date to Refile* filed under docket entry no. 15 and grant an Order of Dismissal with a Bar Date to Re-File of two (2) years along with any other order it deems just or proper according to all of the aforementioned.

CERTIFICATE OF SERVICE: I CERTIFY that on this same date the foregoing document has been electronically filed WITH THE Clerk of the Court using the CM/ECF system which sends notified of such filing to all system's participants, including the U.S. Trustee's Office and the Trustee. A copy of this document has been mailed to the debtor by USPS regular mail to the following mailing address: 210 Ash Breeze CV St Augustin FI 32095 and to his attorney of record Rosana Moreno Rodríguez, Esq. by USPS regular mail to the following mailing address: PO Box 679 Trujillo Alto PR 00977.

RESPECTFULLY SUBMITTED

In Caguas, Puerto Rico, 21st day of September 2019.



/s/ Carlos A. Ruiz Rodríguez, Esq.
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GOBIERNO DE PUERTO RICO
Departamento de la Familia
 Administración para el Sustento de Menores

Fecha de Emisión: 9/16/2019

Issue date:

CERTIFICACION

CERTIFICATE

Nuestro sistema mecanizado contiene la siguiente información:
 Our automated case management system has the following information:

MARY C RIVERA RODRIGUEZ no tiene la obligación de pagar pensión alimentaria a través de ASUME.
 MARY C RIVERA RODRIGUEZ does not have obligation to pay child support through the ASUME.

Caso Case	Pensión Fijada Support Established	Frecuencia de Pago Payment Frequency	Fecha Último Pago Last Payment Date	Balance adeudado Arrears Due	Plan de Pagos Payment plan	Frecuencia Plan de Pagos Payment plan frequency	Fecha en que se estableció Plan de Pagos Payment Plan establishment date	Fecha último pago registrado del Plan de Pagos Date of last payment for payment plan
0526688	\$3,290.00	MENSUAL	7/21/2017	\$146,563.08	\$987.00	MENSUAL	12/12/2016	7/21/2017

En este caso los alimentistas NO recibieron asistencia económica del Programa Ayuda Temporal a Familias Necesitadas 'TANF'.
 In this case, the obligees received NO economic assistance from the Temporary Assistance for Needy Families Program (TANF).

MARY C RIVERA RODRIGUEZ NO se encuentra acogido/a a la Ley de Quiebras.
 MARY C RIVERA RODRIGUEZ IS NOT under the protection of the Bankruptcy Act.

Tiene 0 obligación(es) de pagos de pensión(es) alimentaria(s) a través de ASUME.
 Has 0 child support obligation(s) through the ASUME

Recibe pensión alimentaria a través de ASUME en 1 caso(s):
 Receives child support through ASUME in 1 case(s):

0526688

Este documento resume la información contenida en el sistema mecanizado (PRACSES) de la Administración para el Sustento de Menores. Los pagos realizados directamente a la persona custodia no se registran como pagos de pensión alimentaria ni plan de pago. Deberá acudir a la oficina de la ASUME donde está asignado su caso para solicitar la acreditación de pagos efectuados fuera de ASUME. El balance de esta Certificación no incluye el mes en que fue expedida. La información de este documento es válida por treinta (30) días, a partir de la fecha de su emisión.

This document summarizes the information contained in the Administration for Child Support Enforcement automated system (PRACSES). Payments made directly to the Custodial Person are neither registered as child support payments nor as payments made for the payment plan. You must visit the ASUME office to which your case is assigned in order to request to credit those payments. The balance in this Certificate does not include the current month when it was issued. The information contained in this document is valid for thirty (30) days from its issue date.

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NOTA DE CONFIDENCIALIDAD: La información contenida en este documento y cualquier anexo del mismo es confidencial y privilegiada y tiene el propósito de que sólo sea utilizado por la persona identificada en el mismo.

CONFIDENTIALITY NOTE: The information contained in this document and any attachment is confidential and privileged and has the purpose of being used only by the person identified in it.

Para validar la información contenida en este certificado, favor acceder a <http://www.pr.gov/validacionelectronica/>.
 To validate the information herein, please access <http://www.pr.gov/validacionelectronica/>.

ASM-626
 REV 02/15



GOBIERNO DE PUERTO RICO
Departamento de la Familia
Administración para el Sustento de Menores

Fecha de emisión: **9/16/2019**

Issue date:

HISTORIAL DE PAGOS DE PENSION

Child Support Payment History

Número de caso: 0526688

Case number:

Persona custodia: MARY RIVERA RODRIGUEZ

Custodial person:

Persona no custodia: PEDRO COLON MARTINEZ

Non custodial person:

Balance: \$146,563.08

Arrears due:

Pensión: \$3,290.00

Support Established:

Frecuencia: MENSUAL

Payment frequency:

No hay un historial de pagos para éste periodo.

El historial de pagos de pensión alimentaria solo abarca los pagos realizados durante los últimos 18 meses. Este documento contiene información del sistema mecanizado (PRACSES) de la Administración para el Sustento de Menores. Los pagos realizados directamente a la Persona Custodia no se registran. En aquellos casos en los que la familia recibe o recibió asistencia económica, la cantidad del pago responde al dinero distribuido luego del ajuste correspondiente por concepto de los beneficios recibidos. El número de transacción 0 corresponde a pagos recibidos, pero no distribuidos por razones reglamentarias. De usted identificar discrepancias en la información obtenida a través de este medio, llene el deber de comunicarse o acudir a la oficina local correspondiente de la ASUME con el propósito de aclarar la misma. "R" significa reembolso al pagador.

This Child support payment history only shows payments made during the last 18 months. This document contains information from the Administration for Child Support Enforcement automated system (PRACSES). Payments made directly to the Custodial Person are not registered. In cases where the family receives or received TANF payments, the payment amount means money distributed after the corresponding adjustment was made for benefits received. Transaction number 0 means an undistributed collection due to regulatory reasons. If you identify any discrepancies with the information displayed in our page, please contact or visit your corresponding ASUME local office for clarification. "R" means reimbursement to the payor.